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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,117	05/25/2000	MAKOTO YAMAMOTO	05905.0109	4314

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EXAMINER
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KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

WHT

# Office Action Summary

Application No.

09/555,117

Applicant(s)

YAMAMOTO, MAKOTO

Examiner

Srilakshmi K. Kumar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 13-35 is/are allowed.
- 6) ☒ Claim(s) 36-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The following office action is in response to the amendment filed December 15, 2004. Claims 1-11, 13-61 are pending. Claims 1, 15, 21, 22, 30-35, 45, 50 and 55 have been amended.

#### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 36-61 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

With respect to claims 36-38, applicant claims a method for suggesting to a player an attack by an enemy. These claims are not associated with any technology and are considered to be abstract ideas/methods.

With respect to claims 39-41, 50-54, and 61, applicant claims a computer readable medium on which is stored a set of instructions for suggesting to a player an attack by an enemy, which when executed performs steps. While these claims are associated with a computer readable medium to store instructions, this is interpreted to mean that a document with instructions is stored. Thus, these claims are considered not to be associated with any technology and are considered to be abstract ideas/methods.

With respect to claims 42-44, applicant claims a system for suggesting to a player an attack by an enemy. These claims are not associated with any technology and are considered to be abstract ideas/methods.

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With respect to claims 45-49, applicant claims a method for controlling at least one character in a game. These claims are not associated with any technology and are considered to be abstract ideas/methods.

With respect to claims 55-60, applicant claims a system for controlling at least one character in a game. These claims are not associated with any technology and are considered to be abstract ideas/methods.

***Allowable Subject Matter***

2. Claims 1-11 and 13-35 are allowed.
3. The following is an examiner's statement of reasons for allowance:

With respect to claims 1-11, 15-19, 21-24, and 26-35, the prior art of record do not disclose where the artificial intelligence processing means for executing AI processing calculates emotional factors based on the circumstances of said virtual three dimensional space, wherein the emotional factors control behavior of the movable body. The prior art of record, also, do not disclose wherein said factors of the emotions are represented by emotional elements of fear and anger in relation to said game.

With respect to claims 13, 14, 19, 20, and 25, the prior art of record do not disclose where the path of the at least one bullet deviates from the position of the player until a predetermined condition is met.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 10:00 am to 6:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar  
Examiner  
Art Unit 2675

SKK  
March 19, 2005

  
SUMATI LEFKOWITZ  
PRIMARY EXAMINER